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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,362	04/17/2001	Cheng-Shing Lai	LAIC/3003/EM/6696	5759

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BACON & THOMAS, PLLC  
625 Slaters Lane, 4th Floor  
Alexandria, VA 22314-1176

EXAMINER
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CHANG, RICHARD

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/835,362

Applicant(s)

LAI ET AL.

Examiner

Richard Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US patent application publication No. 2004/0029638 ("Hyatcheson et al.").

Regarding claim 1, Hyatcheson et al. teach a system and method over a wireless communications network for interactive game adapted to be played by one or more users (a method for playing a real time game between two cellular phones) (See Fig. 2, Page 4, section [0057]) comprising of

utilizing a packet with Internet Protocol (IP, as communication protocol) for communicating interactive game information (real time game data),

said packet including interactive game information (real time game data) comprising standard IP datagram (a plurality of protocol data units (as PDUs)) for storing a variety of data about said real time game) (See Fig. 1b, Page 5, section [0069]),

whereby interactive game information (real time game data) is transmitted from one of said mobile client (200 as cellular phones) through IP protocol (said communication protocol),

said interactive game information (real time game data) is received and read at other mobile client (200 as said other cellular phone),

said interactive game information (real time game data) is processed based on IP protocol (said communication protocol) at said other mobile client (200 as said other cellular phone),

and said real time game is played between mobile clients (200 as said cellular phone) (See Fig. 1b, Page 5, section [0066])

Regarding claim 2, Hytcheson et al. further teach wherein said packet follows the standard of IP datagram structure, thus inherently, comprises a header data section including a source address, an destination (object) address, and a control address for processing errors and maintaining a normal transmission in said packet, and

a general data section including said plurality of PDUs in the data section of the IP data packet so as to contain data to be transmitted from one of mobile client (200 as said cellular phones) to said other remote mobile client (200 as cellular phones) (See Fig. 1b, Page 5, section [0066]).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application publication No. 2004/0029638 ("Hytcheson et al.") in view of US patent 6,468,160 ("Elliot").

Regarding claims 3-4, in the discussion, Hytcheson et al. teach substantially all the claimed invention but did not disclose expressly the particular applications involving some individually listed limitations of claims 3-4 as follow.

Elliott teaches a video game player (cellular phone) equipped with digital signal processor (DSP, 308 as said microprocessor) having Internet access capability (See Fig. 4, Col 1, lines 12-20), which explores relevant fields (unit) assignment inside data packets for real time game applications comprising of

a message ID field (protocol edition unit) for labeling said communication protocol utilized in transmitting said packet such that said microprocessor of said other video game player (cellular phone) is capable of reading data contained in said packet by utilizing said communication protocol after reading said packet (See Fig. 15C, Col. 32, lines 5-6),

a message COUNT field (data length unit) for indicating volume of said packet to be transmitted such that DSP (308 as said microprocessor) of said other video game player (cellular phone) is capable of knowing said size of data contained in said packet after reading said packet (See Fig. 15C, Col. 32, lines 8-10),

a box ID field (game label unit) for labeling said packet to be transmitted as real time game data such that a DSP (308 as said microprocessor) of said other video game

player (cellular phone) is capable of identifying data contained in said packet as real time game data after reading said packet (See Fig. 15C, Col. 31, lines 50-55),

a game ID field (identification unit) for indicating kind of said real time game contained in said packet to be transmitted such that DSP (308 as said microprocessor) of said other video game player (cellular phone) is capable of knowing said kind of said real time game contained in said packet after reading said packet so as to access a corresponding game software thereafter (See Fig. 15C, Col. 32, lines 29-34),

various data structures (a plurality of predetermined units) for containing said variety of data such that said microprocessor of said other video game player (cellular phone) is capable of processing data contained in said packet after reading said packet (See Fig. 15A-15G, Col. 31, line 50 – Col. 32, line 45), and

(regarding claim 4) a command text (text message) contained in one of said predetermined units, said message being transmitted from one of said video game players (cellular phones) to said other video game player (cellular phone) while playing said real time game (See Fig. 15E, Col. 32, lines 40-45).

A person of ordinary skill in the art would have been motivated to employ Elliott in Hytcheson et al. in order to obtain a method for playing a real time game between two mobile clients (200, see Hytcheson et al. as cellular phones) and to take advantage of assigning relevant data units in packet data section suitable for the real time game application as in claims 3 and 4.

The suggestion/motivation to do so would have been to assign the relevant data units in packet data section suitable for the real time game application, as suggested by

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Elliot in Col. 1, line 64, to Col. 2, line 1. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Elliott with Hytcheson et al. to obtain the inventions specified in claims 3 and 4.

### **Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
rkC

Richard Chang  
Patent Examiner  
Art Unit 2663

  
RICKY NGO  
PRIMARY EXAMINER